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FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/820,617
Filing Date	04/08/2004
First Named Inventor	KELLEY, Sam Jackson et al
Art Unit	3711
Examiner Name	CHIU, Raleigh W.
Total Number of Pages in This Submission	6
Attorney Docket Number	0205.0001

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Cash Klemchuk Powers Taylor LLP		
Signature			
Printed name	Darin M. Klemchuk		
Date	December 14, 2005	Reg. No.	47,709

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	Darin M. Klemchuk
Date	December 14, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	§	Examiner:	
KELLEY, Sam J. et al	§	CHIU, Raleigh W.	
Serial No.:	§	Art Unit:	3711
Filing Date:	§	Office Action Mailing Date:	
For:	§	11/28/2005	
Ball Pitching Game and	§		
Method	§		

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
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Dear Sir:

Our docket number for this matter has changed to docket number 0205.0001.
Please update your records accordingly.

RESPONSE TO OFFICE ACTION MAILED NOVEMBER 28, 2005

The Examiner made a requirement for restriction under 35 U.S.C. 121 claiming Applicant's patent application includes two groups of claims resulting in two distinct inventions.

Applicant respectfully submits that the two groups of claims identified by the Examiner are not both independent and distinct, and that all claims 1 - 17 should be examined as one invention. Moreover, the Examiner has not shown, nor even alleged, that the groups of claims identified by the Examiner are "independent" as required by 37 CFR 142(a).

However, Applicant hereby makes an election to proceed with Group I, claims 1 - 10 of the application, with traverse pursuant to 37 CFR 1.143.

Amendments to the Claims are reflected on the listing of claims, which begins on page 2 of this paper.